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MAY 05 2014

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Firas M. Ayoubi

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Thomas J. Dart

Mark Smith

Sheriff officer 1

14 CV 3331
JUDGE NORGLÉ
MAGISTRATE JUDGE KIM

urt)

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

X OTHER (cite statute, if known)

1.) Civil Rights Act, 42 USC 1983

2.) Assault and Battery (state Tort claim)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

3.) Intentional Infliction of Emotional distress
(State Tort claim)

4.) Defamation of Character/Slander (state tort claim)

I. Plaintiff(s):

- A. Name: Firas M. Ayoubi
- B. List all aliases: N/A
- C. Prisoner identification number: 20121207168
- D. Place of present confinement: Cook Co. Jail
- E. Address: 2700 South California Ave. Chicago, IL, 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

- A. Defendant: Thomas J. Dart
Title: Sheriff of Cook County
Place of Employment: Cook County Sheriffs Office
- B. Defendant: Mark Smith
Title: Police Officer, Sheriff's Deputy
Place of Employment: Cook County Sheriffs Office
- C. Defendant: Sheriff Officer 1
Title: Police officer, Sheriff's Deputy
Place of Employment: Cook County Sheriffs Office

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Firas M. Ayoubi v. Thomas J. Dart
13 C 8343
- B. Approximate date of filing lawsuit: 11 / 19 / 2013
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N / A
- D. List all defendants: Thomas J. Dart
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois
- F. Name of judge to whom case was assigned: Hon. Charles R. Norgle, Sr.
- G. Basic claim made: Conditions of Confinement.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Pending
- I. Approximate date of disposition: N / A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

LIST ALL LAWSUITS (contiued)

A: Name of case and dkt # Ayoubi v. Contreras, et al. 13 cv 8556
 B: Date of filing: 11/26/13
 C: List all plaintiffs (if co-plaintiffs) N/A
 D: List all defendants: Andres Contreras, William Kushner, Matthew Bogusz, Mike Bartholomew, Des plaines employee 1.
 E: Court Filed: Northern District Of Illinois
 F: Judge: Honorable Edmond E Chang
 G: Basic Claim: Unlawful search and seizure/ Racial profiling
 H: Disposition: Pending
 I: Approx date of Disposition: N/A

A: Name of case and dkt # Ayoubi v. Preckwinkle et al. 13 cv 8983
 B: Date of Filing: 12/16/13
 C: List all plaintiffs (if co-plaintiffs) N/A
 D: List all defendants: Tom Dart, John Murphy, Tyrone everhart, Erica Queen, Dr. Khan Connie Mennella
 E: Court Filed: Northern District of Illinois
 F: Judge: Honorable Charles R Norgle Sr.
 G: Basic Claim: Exposure to serious communicable Diseases
 H: Disposition : pending
 I: approx date of Disposition: N/A

A: Name of case and dkt # Ayoubi v. Dart 14 c 50
 B: Date of filing : 1/3/14
 C: list all plaintiffs (if co-plaintiffs) N/A
 D: List all Defendants: Tom Dart, Ram Raju , Connie mennella
 E: Court Filed: Northern District of Illinois
 F: Judge: Honorable Charles R Norgle Sr.
 G: Basic Claim : Unnecessary use of force, Deliberate indifference to serious medical needs. assault and battery , iied
 H: Disposition: Pending
 I: approximate date ofdisposition: N/A

A: Name of Case and dkt # Ayoubi v Przybylo et al 14 c 51
 B: Date of filing : 1/3/14
 C: List all plaintiffs (if co-plaintiffs) N/A
 D: List all defendants: Andrew Przybylo, Steven Vinezeano, George Alexopoulos, Thomas fragassi, Joseph Romano, Cmdr. McEnerney, Sgt. Huinker Niles emp 1
 E: Court Filed: Northern District of Illinois
 F: Judge: Honorable Judge Wood
 G: Basic Claim Made: Unnecessary Use Of Force, Assault & Batter
 H: Disposition: Pending
 I: Approx date of Disposition: n/a

LIST ALL LAWSUITS (continued)

A: Name of case and dkt # Ayoubi v. Stephens et al.

B: Date of filing: 1/27/14

C: List all plaintiffs (if co-plaintiffs) N/a

D: List all defendants: Bradley Stephens, Donald E Stephens 3, Donald E Stephens 2, Christ Nicholas, Blake Fiorito, Gregg Steinhafel, John Mulligan, Target emp 1, Joe Magnacca, Telvin Jeffries, Joe Basillone.

E: Court Filed: Northern District of Illinois

F: Judge: Honorable Judge St. Eve

G: Basic Claim: Wrongful Termination, Defamation of character, libel, Slander, unlawful dissemination of LEADS /conviction info, violation of Witness/victim protection act.

H: Disposition: pending

I: Approx date of disposition: n/a

A: Name of Case and dkt # Ayoubi et al, v Dart et al. 14 c 0549

B: Date of filing : 1/24/14

C: List all plaintiffs: Firas Ayoubi, Leon Banks, Chante Johnson, Josimar Garita

D: Defendants: Tom Dart, John Murphy , Daryl Howell, Michael Dembosz, Tyree Currie Toni Preckwinkle, Sgt Nanos

E: Court Filed: Northern District of Illinois

F: Judge: Honorable Charles R Norgle Sr.

G: Basic Claim: Violations of RLUIPA , deprivation of religious free exercise (ramadan diets, halal diets , head garments)

H: Disposition: Pending

I: Approx date of disposition : n/a

A: Name of case and dkt # Ayoubi V Dart 14 c 1701

B: Date of filing : 3/11/14

C: List all plaintiffs (if co-plaintiffs) n.a

D: List all Defendants: Tom Dart, ccso Employee 1&2

E: Court filed: Northern District of Illinois

F: Judge: Honorable Charles R Norgle Sr.

G: Basic Claim made: Retaliation, Opening Legal mail, Free Speech violations

H: Disposition : Pending

I: Approx date of Disposition: n/a

A: Name of Case and dkt # Ayoubi et al V. Dart et al 14 c 1703

B: Date of filing: 3/11/14

C: List all plaintiffs: Firas Ayoubi, Leon Banks, Josimar Garita, Chante Johnson

D: Defendants: Tom Dart , Toni Preckwinkle

E: Court Filed: Northern District of Illinois

F: Judge: Honorable Charles R Norgle Sr

G: Basic Claim: Exposure to Serious Communicable Diseases

H: Disposition: Dismissed (Moving to Amend)

I: Approx Date of Disposition: 4/8/14

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Introduction

1. This Action arises out of violations of the 4th Amendment rights to The U.S. Constitution, which protects Citizens from unlawful Search and Seizure, and unnecessary and arbitrary use of force by Police officers, And the 14th amendment rights against discrimination/racial Profiling where, Cook County Sheriffs Officer Mark Smith and another unknown officer stopped The Plaintiff under no justification, pulled him out of his vehicle, searched him and The vehicle illegally, all while Taunting, Making racial slurs and Threatening him with harm and in fact, causing harm and violating Ayoubi's Physical integrity. Ayoubi also alleges The state law Tort claims of Assault and Battery, Intentional infliction of Emotional Distress, and Defamation of Character/Slander.

2. On August 2012 (exact dates shall be further stated upon discovery) in the Afternoon, Ayoubi was Driving his friend and his friends Girlfriend back to their apartment in the Crestwood apartment complex near millwaukee and Golf rd. in Unincorporated Cook co. next to Desplaines and park ridge Communities

3. Ayoubi and his occupants all had their seatbelts on while approaching the complex.

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Ayoubi noticed a police car with its flashers on. It was determined that the Police car was in the middle of a traffic stop. Both those vehicles were stopped facing towards Ayoubi, as he was driving

4. Ayoubi made sure at that moment that everything was in proper order, such as, verified all seatbelts were on, mirrors adjusted, speed normal. There were 2 stop signs before the entrance to the apartment complex, Ayoubi made sure to make a full and complete stop at both. Especially since he was very close to a parked police car, and a officer looking directly at him and his occupants.

Unlawful Search and Seizure, Racial Profiling

5. The officer (Smith) made an immediate sharp U-turn after Ayoubi's vehicle entered the complex.

6. He turned on his flashers, and Attempted to stop Ayoubi, Ayoubi complied. And obtained his licence and insurance to give to the officer.

7. Officer Smith came to Ayoubi's window, looking enraged. Ayoubi asked

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him "why did you stop me?", Smith replied "Shut the fuck up," Ayoubi
Then handed Smith his license and insurance card. Smith looked at Ayoubi
and his 2 african american occupants and said "what the fuck are you
doing here? you here to buy drugs?", "how do you all know each other?"
Ayoubi replied "They are friends," "we dont do drugs, and they both live here".
Smith replied "I dont believe you" and went back to his cruiser
to run Ayoubi's name.

8. Smith came back to the vehicle saying, "I dont fucking believe you ,
You have drugs in this car, a Spanish and Black mother fucker in a car
here and you expect me to believe ~~do~~ you dont have shit?" "I swear
ill call the dogs and Ill search the shit out of your car." Ayoubi
Continued saying "I dont have anything".

9. Officer Smith went back to his cruiser, wrote Ayoubi a frivolous
ticket for Disregarding a Stop Sign. Of which was "stricken off" in
court disposition. Ayoubi maintained his innocence at court.

IV. Statement of Claim:

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Defamation of Character / Slander

10. When Smith gave Ayoubi the ticket, Ayoubi just took it and didn't say anything else to Smith because Smith appeared to ~~be~~ mad. Smith kept holding Ayoubi's license in hand, continued interrogating Ayoubi and his occupants about drugs for a little longer then, looked at Ayoubi's friend's girlfriend and said "Do you know This fuck is a rapist?" Ayoubi had a conviction for Indecent Solicitation which occurred in 2005, a conviction which did not involve physical or sexual contact and Smith knew that But yet he decided to call Ayoubi a "rapist" ^{instead} ~~instead~~ And as such, defamed Ayoubi's Character, Reputation and name

11. On or around a month or 2 later (Exact dates will be supplied in Discovery) Ayoubi was at a gas station nearby the Crestwood apartments He was Driving a Black Mercedes Truck. He was taking it to pick up his friend at Crestwood, and go to another friend's house. (Possibly different date than seizure)

12. Smith was in his car, parked in the Gas station, he saw Ayoubi and gave Ayoubi a cold, sinister stare, at that point Smith knew Ayoubi would be

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Driving a Black Mercedes Truck

13. Ayoubi returned home because his Boss called him to take care of something for work. Ayoubi told his friend he will return later.

14. Ayoubi got Done at work very late approx 4am, but his friend told him to come anyway because he had a group of friends at his house.

Ayoubi agreed to the invitation. (date unknown)

Unlawful Search and Seizure / Excessive Use of force

15. Ayoubi returned to Crestwood apartments, Smith and officer 1 noticed the Black Mercedes truck and Swarmed Ayoubi for no reason. The officers were not in possession of any facts or inferences to suggest Ayoubi was involved in criminal activity. (possibly different dates, date unknown)

16. Smith rushed to the drivers side door and screamed saying "unlock all the doors!" Smith then reached in, threw Ayoubi out of the truck, slammed him on the truck, Placed ~~the~~ his hand on the back of Ayoubi's head and slammed Ayoubi's forehead on the truck causing extreme pain. he then

wrapped his hand around Ayoubi's neck and began to squeeze extremely hard. While he was patting Ayoubi down with his other hands, he hit Ayoubi in the ribs. All of these caused extreme pain. Smith was well over 220 lbs 6'3", Ayoubi was 120 lbs (approx)

17. Smith was telling Ayoubi, "I thought I hinted to your Spic ass not to come around here no more" Ayoubi was Lebanese but looked Hispanic. Smith Then told Ayoubi "Don't fuckin move"

18. Smith and the other officer searched inside the truck for a few minutes and found nothing.

19. Smith ran Ayoubi's name again, came back and said "I swear, next time you better not come here, or its gonna be worse" "I don't want your kind here or your shitty friends".

20. Since Then, Ayoubi avoided the crestwood area for fear from future unlawful search and seizure, and excessive unnecessary force by Smith.

21. Smith also seen Ayoubi at a Bar and Grill in the area, in the parking lot. Smith looked at Ayoubi and said "what the fuck are you doing here, didn't you learn yet?" "Next time im going to use more muscle", Ayoubi ignored him and left without incident.

22. Mark Smith abused his power as a Sheriff Deputy, he stopped Ayoubi because he "was mexican" and his occupants in the car were black. And threatened Ayoubi and his friends "with dogs". Smith and his fellow officer also unlawfully stopped Ayoubi. On That next occasion he was again unlawfully stopped and searched. Smith used excessive unnecessary force which caused Ayoubi extreme pain and injury, which was meant to cause the same. And he threatened Ayoubi with future harm, including harassing and threatening Ayoubi at public ways and private establishments. Scaring Ayoubi from not going within a 5 mile radius of crestwood ever again. This caused extreme emotional suffering for Ayoubi. He constantly was looking behind him, scared for future run-ins with Smith.

ASSAULT and Battery

23. Smith is also Liable under State law (Tort claim) for Assault and Battery when he caused Ayoubi's head to hit the truck at high velocity, when he squeezed Ayoubi's neck and punching ayoubi in the ribs, all causing extreme pain.

Dart's Liability For The State tort Claims

24. Dart is responsible for the actions of his deputies and auxillary deputies under the doctrine of respondeat superior and 55 ILCS 5/3-601b, He is personally liable in his Official and individual Capacity for all of the State Tort Law Claims.
25. The actions of the Cook County Sheriffs Police in that area is well known Throughout the community. The daily torment, harassment and abuse without Provocation is a daily occurrence there, a common practice. It is condoned and Facilitated by Tom Dart. Unlawful Search and Seizure is also a daily occurrence and practice there. And the Vast majority of the community would agree. Snatching people up randomly in a public way, or throwing them out of cars and searching them when they do nothing wrong is Business as usual there. Most of the people are black or hispanic.
26. Smith Also Deformed Ayoubi's name, he stated Ayoubi "is a rapist" to his friends, when Ayoubi was never convicted of Rape or any crime that involved physical contact.
27. Proof of all of these unjustified stops can be found on all Cook County Sherifes Databases and Illinois State Police managed Databases such as LEADS, CHRI/s, CLEAR, NCIC, etc.
28. Compensatory and punitive damages are sought, and warranted. These acts were malicious and sadistic, well calculated attacks on Ayoubi, no civilized person would consider these acts normal. And given their history of this behavior, Punative damages are warranted. Also Damages for (IIED) Intentional Infliction of Emotional Distress, Assault and Battery, and Defamation Of Character / Slander are also Sought.
29. Finally "Officer 1" Labeled as Sheriff Officer 1 is responsible for watching Smith assault Ayoubi and failing to intervene.
30. All of these officers Actions were grossly unreasonable, and were motivated by a Campaign of Harassment, racial discrimination and Hate. None of The Officers Actions were in the interest of Public Safety, Ayoubi was not comitting any crimes and he was fully compliant. He was Just a average citizen, in a public way, doing nothing wrong except looking Mexican, hanging out with Black People. This is wrong and Should never be Condoned.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

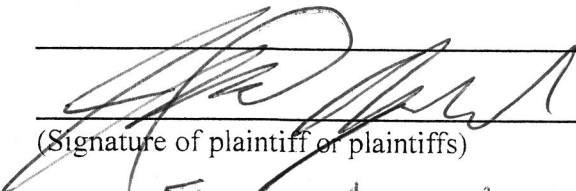
- 1) Compensatory Damages - To be disclosed at a later date.
- 2) Punitive Damages - to be disclosed at a later date
- 3) Damages for Assault & Battery - To be determined at a later date
- 4) Damages for Intentional Infliction of Emotional Distress - To be determined at a later date
- 5) Damages for Defamation of Character and Slander - To be determined at a later date

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 28 day of 4, 2014


(Signature of plaintiff or plaintiffs)

Firas Ayoubi
(Print name)

2012-1207168
(I.D. Number)

Cook Co. Jail

2700 South California Ave

Chicago IL, 60608
(Address)